

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

KENDRICK D. HUTTON

No. 3:12-00215
CHIEF JUDGE HAYNES

**UNOPPOSED MOTION TO CONTINUE TRIAL AND
EXTEND THE DEADLINE FOR FILING PRETRIAL MOTIONS**

Now comes the defendant, Kendrick D. Hutton, through undersigned counsel, and respectfully requests that this Honorable Court enter an order granting a continuance of the trial presently set for **February 5, 2013**, and extend the deadline for filing pretrial motions.

The reasons for the requested continuance are as follows:

1. 18 U.S.C. § 3161(h)(7)(A) provides, in pertinent part, that any period of delay resulting from a continuance granted on the basis of a court's findings that the ends of justice served by granting of a continuance outweigh the best interests of the public and the defendant in a speedy trial shall be excluded in computing the time within which the trial must commence.

2. The factors that a judge shall consider in determining whether to grant a continuance are found at 18 U.S.C. § 3161(h)(7)(B). One such factor is whether the denial of a continuance would deny counsel for the defendant "the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(7)(B)(iv).

3. In the present case, the interest of justice served by the granting of a continuance outweigh the best interests of the public and the defendant in a speedy trial. Additionally, the denial of a continuance in the present case would deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Mr. Hutton was arrested on a complaint in this case on November 21, 2012, and undersigned counsel was appointed to represent Mr. Hutton that same day. On November 28, 2012, the grand jury returned an indictment against Mr. Hutton and he was arraigned on that date. Counsel for the defendant has been diligently investigating factual and legal issues in this case. Currently,